

Application Serial No. 10/788,487
Amendment filed April 9, 2009
Reply to Office Action mailed December 9, 2008

REMARKS

Claims 1, 3, 5, 6, 7, 9, 11, and 12 are pending and under consideration. Claims 1, 5, 6, 7, 11, and 12 have been amended. Support for the amendments to the claims may be found in the claims as filed originally, and at page 4, line 26 of the specification. Reconsideration is requested based on the foregoing amendment and the following remarks.

Response to Arguments:

The Applicants appreciate the consideration given to their arguments, and the new grounds of rejection. Further favorable consideration is requested.

Objections to the Claims:

Claims 5, 6, 11, and 12 were objected to for depending from canceled claims. Claims 5, 6, 11, and 12 were amended to depend from pending claims. Withdrawal of the objection is earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

Claims 1, 3, 5, 6, 7, 9, 11, and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 7,130,263 to Ong *et al.* (hereinafter "Ong") in view of US Patent Application Publication No. 2002/0163889 to Yemini et al. (hereinafter "Yemini"). The rejection is traversed to the extent it would apply to the claims as amended. Reconsideration is earnestly solicited.

The final clauses of claims 1 and 7 recite:

Adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus.

The Office Action acknowledges graciously in section 10, at page 4, that Ong is not "adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus," as recited in claims 1 and 7.

The Office Action attempts to compensate for the deficiency by combining Ong with

Yemini. Yemini, however, is not "adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus" either, and thus cannot make up for the deficiencies of Ong with respect to either claim 1 or claim 7 in any case.

The Office Action asserts in section 10, at the bottom of page 4, continuing at the top of page 5, that:

However, Yemini teaches adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus (page 6, paragraph 67).

This is submitted to be incorrect. In Yemini, rather, the Labels of Nodes are formed by the concatenation of Link Labels. Thus, Yemini forms labels of *nodes*, i.e., the recited "transmission apparatus" by concatenation of *link* labels, not by "adding the respective identifier of the transmission apparatus" as recited in claims 1 and 7. In particular, as described at paragraph [0067]:

FIG. 3 is a simple example of an EAG with Link and Node Labels. For purposes of this discussion, assume that Links have no semantic meaning. Neighboring Nodes can assign to a Link the lowest Link value that both of the Nodes have available. A, B, C, D, E, F, G, and H are Nodes. These Nodes are interconnected by Links that are labeled with Link Labels 1, 2, 3, 4 (with multiple Links assigned the same Link Label according to the rules discussed below). Labels of Nodes are formed by the concatenation of Link Labels.

Since, in Yemini, the Labels of Nodes are formed by the concatenation of Link Labels, Yemini is not "adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus" either, and thus cannot make up for the deficiencies of Ong with respect to either claim 1 or claim 7.

In Yemini, moreover, local *Node* Labels are constructed by pre-pending the *Link* Label to a neighbor's *Node* Label. In particular, as described further at paragraph [0067]:

Neighbor Nodes exchange labels, and local *Node* Labels are constructed, by pre-pending the *Link* Label to a neighbor's *Node* Label. For example, Node H has the set of *Node* Labels "2, 1231, 13131, 1412131." The creation of loops is avoided by discarding labels for which there is already a label present which is a suffix of the label to be discarded.

Since, in Yemini, local Node Labels are constructed by pre-pending the Link Label to a neighbor's Node Label, Yemini is not "adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus" either, and thus cannot make up for the deficiencies of Ong with respect to either claim 1 or claim 7.

Yemini, in fact, a network is organized to provide dynamic allocation of multiple addresses per *Node*. Thus, Yemini is allocating multiple addresses dynamically per *Node*. In particular, as described further at paragraph [0033]:

In one embodiment of the present invention, a network is organized to provide dynamic allocation of multiple addresses per *Node* for the purpose of mobility and reliability.

Since Yemini is still only allocating multiple addresses per node, it's too early for Yemini to be "adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus" either, and thus cannot make up for the deficiencies of Ong with respect to either claim 1 or claim 7.

Yemini, moreover, computes an address for a *Node* based upon the topology of the network. In particular, as described further at paragraph [0059]:

The present invention provides a mechanism to compute an address for a *Node* based upon the topology of the network, and based upon the *Node*'s local attachments to other *Nodes*.

Since Yemini is still only computing an address for a *Node* based upon the topology of the network, it's too early for Yemini to be "adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus" either, and thus cannot make up for the deficiencies of Ong with respect to either claim 1 or claim 7. Thus, even if Ong and Yemini were combined as proposed in the Office Action, neither of claims 1 or 7 would result.

The Office Action, in any case, asserts in the third full paragraph at page 4 that:

In view of this, it would have been obvious to one skilled in the art to modify Ong's

Application Serial No. 10/788,487
Amendment filed April 9, 2009
Reply to Office Action mailed December 9, 2008

apparatus with Yemini's teaching of adding the identifier to concatenation setting information and sending this information, for the purpose of notifying other apparatuses of the updated information.

Ong, to the contrary, teaches away from adding the identifier to concatenation setting information and sending this information, for the purpose of notifying other apparatuses of the updated information, because Ong notes that such distributed schemes, in which the nodes of the ring intercommunicate, are not robust in that they do not take into account span failures and how to handle partially built rings. In particular, as described at column 4, lines 27-33:

In contrast to the centralized scheme, in a distributed scheme, the nodes of the ring intercommunicate to generate and distribute the ring map and squelch tables. While techniques for distributively generating a ring map and a squelch table for a ring are known, these techniques are not robust in that they do not take into account span failures and how to handle partially built rings.

It is submitted, therefore, that persons of ordinary skill in the art at the time the invention was made would not have been motivated to modify Ong as proposed in the Office Action, since Ong warns that such distributed schemes are not robust.

The final clauses of claims 1 and 7 recites further:

Wherein the concatenation setting information is for connecting basic unit signals transmitted over the ring network.

Neither Ong nor Yemini teaches, discloses, or suggests "the concatenation setting information is for connecting basic unit signals transmitted over the ring network," as recited in claims 1 and 7. Thus, even if Ong and Yemini were combined as proposed in the Office Action, neither of claims 1 or 7 would result. Claims 1 and 7 are submitted to be allowable. Withdrawal of the rejection of claims 1 and 7 is earnestly solicited.

Claims 3, 5, 6, 9, 11, and 12 depend from claim 1 or claim 7 and add further distinguishing elements. Claims 3, 5, 6, 9, 11, and 12 are thus also submitted to be allowable. Withdrawal of the rejection of claims 3, 5, 6, 9, 11, and 12 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 1, 3, 5, 6, 7, 9, 11, and 12 are allowable over the cited references. Allowance of all claims 1, 3, 5, 6, 7, 9, 11, and 12 and of this entire application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is

Application Serial No. 10/788,487
Amendment filed April 9, 2009
Reply to Office Action mailed December 9, 2008

invited to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge them to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: April 9, 2009

By: /Thomas E. McKiernan/
Thomas E. McKiernan
Registration No. 37,889

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501